

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Power Company for Authority to Establish)	
a Standard Service Offer Pursuant to)	Case No. 23-23-EL-SSO
Section 4928.143, Revised Code, in the)	
Form of an Electric Security Plan)	

In the Matter of the Application of Ohio)	
Power Company for Approval of Certain)	Case No. 23-24-EL-AAM
Accounting Authority)	

**MOTION TO INTERVENE OF
CONSTELLATION ENERGY GENERATION, LLC
AND
CONSTELLATION NEWENERGY, INC.**

Constellation Energy Generation, LLC and Constellation NewEnergy, Inc. (collectively “Constellation”) move to intervene in these proceedings as full parties of record under Ohio Revised Code Section (“R.C.”) 4903.221 and Ohio Administrative Code Rule (“Rule”) 4901-1-11. The reasons supporting the intervention are contained in the accompanying Memorandum in Support. Constellation respectfully requests that the Public Utilities Commission of Ohio (“Commission”) grant this motion to intervene and that Constellation be made a full party of record.

Constellation also requests that Cynthia Brady (cynthia.brady@constellation.com) and Jesse Rodriguez (jesse.rodriguez@constellation.com) be added to the service list for these cases. Both are willing to accept service via email.

Respectfully Submitted,

/s/ Michael J. Settineri
Michael J. Settineri (0073369), Counsel of Record
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, OH 43215
Telephone 614-464-5462

mjsettineri@vorys.com

glpetrucci@vorys.com

(Both are willing to accept service via e-mail)

*Counsel for Constellation Energy Generation, LLC
and Constellation NewEnergy, Inc.*

**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE**

R.C. 4903.221 and Rule 4901-1-11 establish the standard for intervention in the above-styled proceedings as a full party of record. R.C. 4903.221 states that the Commission shall consider: (1) the nature and extent of the prospective intervenor's interest; (2) the legal position advanced by the prospective intervenor and its probable relation to the merits of the case; (3) whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; and (4) whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues. Rule 4901-1-11 states in part:

(A) Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

A review of these factors in light of the following facts supports granting intervention to Constellation.

Constellation is a knowledgeable and experienced retail and wholesale energy supplier. Constellation and its affiliates have been active in the Ohio retail and wholesale electric and natural gas markets for years, providing retail supply services to residential, commercial, industrial and governmental customers. Constellation actively participates in the competitive market in the service territory of Ohio Power Company ("AEP Ohio"). In addition, Constellation has participated in numerous wholesale auctions in Ohio pursuant to which the standard service offer ("SSO") load is served. Constellation is an SSO supplier in AEP Ohio's service territory too.

Constellation satisfies all of the factors for intervention and the Commission should make Constellation a full party to this proceeding. First, Constellation has a real, direct and substantial interest in several issues in these proceedings. For example, AEP Ohio is proposing to make several changes to its competitive bid process for procuring electricity for the standard service offer load and proposing a schedule with designated tranche-based products.¹ Those changes will directly affect Constellation. Another example is that AEP Ohio proposes to implement a new customer information system (“CIS”) which includes changes for billing and settlements that competitive suppliers, including Constellation, rely upon.² A third example is AEP Ohio’s proposed government aggregation standby rider to “offset risk to suppliers of standing by” to serve load from aggregator default or prematurely dropping customers to the SSO.³ At the same time, AEP Ohio proposes to temporarily purchase and presumably serve the load through daily market purchases.⁴ Constellation seeks to ensure that the proposed changes do not harm its interests or the competitive market in AEP Ohio’s territory, and comply with Ohio law. Constellation has a real and substantial interest in these proposals.

Second, Constellation’s motion is timely filed and its participation will not unduly prolong or delay the proceeding. This motion is filed before the intervention deadline and, as such, Constellation’s participation will not unduly delay the matter. Third, Constellation’s interest is not adequately represented by any of the existing parties. As an active retail supplier and an SSO supplier, Constellation has a unique perspective. Fourth, Constellation will contribute significantly to the full and thorough development of the record, and the equitable resolution of the facts, policies and legal issues.

¹ See AEP Ohio witness McCulty’s Direct Testimony at 6-9, 11-15, and Exhibit MWM-1.

² See AEP Ohio witness Gabbard’s Direct Testimony at 8-9 and Exhibit SDG-1.

³ See AEP Ohio witness McCulty’s Direct Testimony at 10.

⁴ *Id.*

Constellation satisfies the requirements for intervention in these proceedings. Constellation requests that the Commission grant this motion to intervene under R.C. 4903.221 and Rule 4901-1-11 and make Constellation a full party of record.

Respectfully Submitted,

/s/ Michael J. Settineri

Michael J. Settineri (0073369), Counsel of Record

Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, OH 43215

Telephone 614-464-5462

Facsimile 614-719-5146

msettineri@vorys.com

glpetrucci@vorys.com

(Both are willing to accept service via e-mail)

*Counsel for Constellation Energy Generation, LLC and
Constellation NewEnergy, Inc.*

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 14th day of March, 2023 upon all persons/entities listed below:

Ohio Power Company	stnourse@aep.com mjschuler@aep.com egallon@porterwright.com christopher.miller@icemiller.com matthew@msmckenzieltld.com
Armada Power, LLC	henry.eyman@armadapower.com
Calpine Retail Holdings LLC	rdove@keglerbrown.com
Chargepoint, Inc.	dborchers@bricker.com khernstein@bricker.com
Citizens' Utility Board of Ohio	trent@hubaydougherty.com
Environmental Law & Policy Center	emcconnell@elpc.org rkelter@elpc.org
Interstate Gas Supply, LLC	stacie.cathcart@igs.com evan.betterton@igs.com michael.nugent@igs.com
The Kroger Co.	paul@carpenterlipps.com
Nationwide Energy Partners	brian.gibbs@nationwideenergypartners.com
Ohio Consumers' Counsel	william.michael@occ.ohio.gov angela.obrien@occ.ohio.gov connor.semples@occ.ohio.gov
Ohio Energy Group	mkurtz@BKLlawfirm.com kboehm@BKLlawfirm.com jkylercohn@BKLlawfirm.com
Ohio Energy Leadership Council	dproano@bakerlaw.com ahaque@bakerlaw.com eprouy@bakerlaw.com
Ohio Environmental Council	knordstrom@theOEC.org ctavenor@theOEC.org

Ohio Hospital Association	dparram@bricker.com rmains@bricker.com
Ohio Manufacturers' Association Energy Group	bojko@carpenterlipps.com wygonski@carpenterlipps.com
Ohio Partners for Affordable Energy	rdove@keglerbrown.com nboobb@keglerbrown.com
One Energy Enterprises Inc.	little@litoio.com hogan@litoio.com ktreadway@oneenergyllc.com jdunn@oneenergyllc.com
Retail Energy Supply Association	mpritchard@mcneeslaw.com bmckenney@mcneeslaw.com awalke@mcneeslaw.com
Walmart Inc.	cgrundmann@spilmanlaw.com dwilliamson@spilmanlaw.com slee@spilmanlaw.com
Staff of the Public Utilities Commission of Ohio	werner.margard@OhioAGO.gov ambrosia.wilson@OhioAGO.gov ashley.wnek@OhioAGO.gov

/s/ Michael J. Settineri
Michael J. Settineri

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Case No(s). 23-0023-EL-SSO, 23-0024-EL-AAM

Summary: Motion to Intervene electronically filed by Mr. Michael J. Settineri on behalf of Constellation Energy Generation, LLC and Constellation NewEnergy, Inc..